

**H. R. 1133.**

( Rep. No. 262. )

FEBRUARY 6, 1839.

Read twice, and committed to the Committee of the Whole House on the state of the Union.

Mr. R. M. T. HUNTER, from the Select Committee to which the subject was referred, reported the following bill:

# A BILL

To provide for the collection and disbursement of the public revenue.

*Be it enacted by the Senate and House of Representatives*  
*of the United States of America in Congress assembled,* That  
all money hereafter to be received by the United States for  
customs shall be paid on four certain days, to wit: on the  
day of ; on the  
day of ; on the day of  
; and on the day of .  
The duties required by existing laws to be paid in cash here-  
after, to be secured by bonds, with approved sureties, bearing  
interest, at the rate of six per centum per annum, from their  
date, until paid, and payable at the next fixed quarterly day,  
unless they bear date within twenty days of that period, in  
which case they are to be payable on the second succeeding  
day fixed for payments to the United States. But, if the im-  
porter be entitled to credit under the existing laws, the sum

16 due is to be diminished by a discount, at the rate of six per  
 17 centum per annum, for the time through which the said credit  
 18 extends, and the sum thus ascertained to be secured by bonds  
 19 as aforesaid, under the limitations above prescribed.

1        SEC. 2. *And be it further enacted.* That if any bonds  
 2 thus given be not paid, wholly or in part, as may be demand-  
 3 ed, when due or within        days thereafter, it shall be the  
 4 duty of the collector to whom they are payable to sue out of  
 5 the clerk's office of the Federal court within his district a  
 6 *distringas*, which he shall cause to be levied upon the lands,  
 7 tenements, goods, and chattels of the obligor or obligors in de-  
 8 fault, as aforesaid. And it shall be the duty of the marshal,  
 9 immediately upon the levy of the said writ, to give notice  
 10 thereof to the owners of the said property, if they can be  
 11 found within his district; and he shall proceed to sell, at pub-  
 12 lic auction, to the highest bidder, for cash, so much of the  
 13 said property as may be necessary to satisfy the said debt and  
 14 costs, after having publicly advertised the same for        days  
 15 beforehand. It shall moreover be his duty to pay the money  
 16 thus received, upon the next receipt day, to the collector to  
 17 whom it was payable, unless otherwise ordered by the Secre-  
 18 tary of the Treasury: *Provided, however,* That, upon tender  
 19 of a plea of *non est factum*, or a special plea, that the debt  
 20 was discharged on the very day when due or within        days  
 21 thereafter, the said obligor or obligors shall be allowed to re-

22 plevy the said lands, tenements, goods, or chattels ; and, in  
 23 this case, the said action is to be prosecuted in the Federal  
 24 court for the district in which it arose ; upon condition, never-  
 25 theless, that the plaintiff or plaintiffs in replevin shall verify  
 26 by oath either of the said pleas which may be tendered, and,  
 27 moreover, give bond, with sufficient sureties, to discharge the  
 28 costs of said action, together with the debt and interest there-  
 29 on, at the rate of ten per centum per annum, until paid, in  
 30 the event that the case is decided against him or them : *And*  
 31 *provided, further,* That, in the event of such a judgment, the  
 32 lien upon the property so distrained shall be considered as  
 33 having attached from the date of the levy of said *distringas*.

1     SEC. 3. *And be it further enacted,* That all debts due from  
 2 the United States shall be made payable, so far as practicable,  
 3 either upon the receipt days aforesaid, or else on four certain  
 4 days, occurring at intervals of three months and, fixed at not  
 5 more than twenty days, respectively, after the days fixed as  
 6 aforesaid for payments to the United States. These debts  
 7 to be made payable either on the next day of receipts or else  
 8 on the nearest day of disbursement. But if the public creditor  
 9 should fail to present his claim at the place where payable  
 10 when due, or within        days of that time, then the United  
 11 States to be absolved from all responsibility for any failure in  
 12 the disbursing agent at that place to pay the said creditor :  
 13 *Provided, however,* That the said agent and his sureties shall

14 be liable upon their official bond, at the suit of said creditor,  
 15 to pay to him any sums received for his use, but without in-  
 16 terest, except from the time of his demand.

1       SEC. 4. *And be it further enacted,* That all requisitions  
 2 on the Treasury Department by other departments of this  
 3 Government, for sums to be disbursed at the next day fixed  
 4 for that purpose, shall be made at least twenty days before the  
 5 day fixed for public receipts, and next succeeding that of the  
 6 requisition.

1       SEC. 5. *And be it further enacted,* That the Secretary of  
 2 the Treasury, after a comparison of the liabilities to and from  
 3 the Government at the next succeeding days of receipt and  
 4 disbursement, shall ascertain the probable surplus which will  
 5 be due to the United States upon the next quarterly day of  
 6 receipt, after collecting what will be sufficient to discharge  
 7 the debts due from the Government at the next disbursing  
 8 day, together with whatever sum may be needful as a cash  
 9 surplus for emergencies of the Department, not otherwise  
 10 provided for. The debtors of the United States to be entitled  
 11 to an extended credit upon the surplus thus ascertained, upon  
 12 their giving bonds with approved sureties, bearing interest  
 13 as aforesaid, up to the quarterly day of receipts next succeed-  
 14 ing that at which the original bond was due. Each public  
 15 debtor offering security as aforesaid to be entitled to this  
 16 further credit upon an equal proportion of his debt, which

17 proportion is to be specified by public advertisement of the  
18 Secretary of the Treasury, at least twenty days before the  
19 next succeeding day of receipts. But all bonds given for the  
20 surplus as aforesaid to be wholly collected at the next quarter,  
21 when due, before any portion is demanded of those bonds  
22 given when the debt for duties was incurred.

1       SEC. 6. *And be it further enacted,* That all drafts upon  
2 any collector given to public creditors in discharge of a debt  
3 actually due, shall be made payable at the next succeeding  
4 day of receipts, and bear an interest of not less than  
5 nor more than                      per centum per annum from their  
6 dates until payable. But the Secretary of the Treasury shall  
7 make no discrimination as to the rate of interest between the  
8 creditors of the United States ; nor shall the payee or assignee  
9 of said drafts be entitled to receive the said interest unless  
10 they are presented on the day when due or within  
11 days thereafter : *Provided, however,* That, if upon any day,  
12 more drafts are presented upon any collector than can be ex-  
13 tinguished by the proportion of debt to be collected by him  
14 under the fifth section of this act, then he shall direct the  
15 residue of the drafts to such other disbursing agent as the  
16 Secretary of the Treasury may have previously selected,  
17 whose duty it shall be to pay the same, with interest, up to  
18 the date of its payment.

1       SEC. 7. *And be it further enacted,* That if, at any time, a  
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2 draft bearing interest as aforesaid shall be presented at the  
 3 place where payable, when due, and there are no funds pro-  
 4 vided to meet it there, either at that time or at the next dis-  
 5 bursing day, as hereinbefore prescribed, then it shall be the  
 6 duty of the Secretary of the Treasury to cause the same to  
 7 be paid on the next succeeding day of receipts, with the inte-  
 8 rest specified on its face, up to the time of payment, together  
 9 with damages ; and he shall, moreover, be re-  
 10 quired, in his annual report, to inform Congress of the spe-  
 11 cific instances in which such drafts have been passed over  
 12 to the next receipt day, together with the causes of the said  
 13 failure : *Provided, however,* That the assignees or payees of  
 14 said drafts shall not be entitled to demand either the said  
 15 interest or damages, unless he cause the same to be regu-  
 16 larly protested upon the failure to pay the same in the modes  
 17 prescribed by this act.

1 SEC. 8. *And be it further enacted,* That nothing shall be  
 2 received in payment of the bonds given as aforesaid to the  
 3 United States but gold and silver coin, or the Treasury notes  
 4 of the United States, when any such are in circulation under  
 5 authority of law : *Provided, however,* That nothing here-  
 6 in contained shall be so construed as to prevent the payee or  
 7 assignee of drafts drawn as before mentioned upon any col-  
 8 lector from presenting the same by way of offset to any bonds  
 9 due from him to the United States, and payable at the place  
 10 upon which the draft is drawn.